

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

**IN RE: GOOGLE DIGITAL ADVERTISING
ANTITRUST LITIGATION**

No. 1:21-MD-3010 (PKC)

This Motion Relates To:

**SPX Total Body Fitness LLC, d/b/a The
Studio Empower, on behalf of itself and all
others similarly situated.**

No. 1:21-cv-06870-PKC

Plaintiff,

-against-

GOOGLE LLC.,

Defendant.

**SKINNYSCHOOL LLC d/b/a MARIA
MARQUES FITNESS and MINT ROSE DAY
SPA LLC, on behalf of themselves and all
others similarly situated.**

No. 1:21-cv-07045-PKC

Plaintiffs,

-against-

GOOGLE LLC.,

Defendant.

**DEFENDANT GOOGLE LLC'S NOTICE OF MOTION TO DISMISS
SPX PLAINTIFFS' CONSOLIDATED AMENDED CLASS ACTION COMPLAINT**

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PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendant Google LLC's Motion to Dismiss SPX Plaintiffs' Consolidated Amended Class Action Complaint in the above-captioned matter, which is being submitted contemporaneously with this Notice of Motion, Defendant Google LLC will move this Court, before the Honorable P. Kevin Castel, United States District Judge for the Southern District of New York, located at 500 Pearl Street, New York, NY 10007, at a date and time to be set by the Court, for an Order dismissing with prejudice the Consolidated Amended Class Action Complaint, No. 1:21-MD-3010 (PKC), ECF No. 406, on the ground that the SPX Plaintiffs have failed to state a claim upon which relief can be granted. *See* Fed. R. Civ. P. 12(b)(6); *Ashcroft v. Iqbal*, 556 U.S. 662 (2009); *Bell Atl. Corp. v. Twombly*, 550 U.S. 544 (2007).

Dated: February 3, 2023

Respectfully Submitted,

/s/ Justina K. Sessions

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